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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/449,762 11/26/99 LEE

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MMC1/0724

EXAMINER

OLIFF AND BERRIDGE PLC  
P O BOX 19928  
ALEXANDRIA VA 22320

SIRCUS, B

ART UNIT

PAPER NUMBER

2639

DATE MAILED: 07/24/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

|                                      |                               |
|--------------------------------------|-------------------------------|
| Application No.<br><b>09/449,762</b> | Applicant(s)<br><b>Lee</b>    |
| Examiner<br><b>Brian Sircus</b>      | Group Art Unit<br><b>2839</b> |

Responsive to communication(s) filed on \_\_\_\_\_.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

Claim(s) 1-6 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-6 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 3,4

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The disclosure is objected to because of the following informalities:

There are repetitive references to the parent applications throughout the specification. These should be removed from the brief description of the drawings and from the detailed description. The brief discussion of the origins of this application may be placed after the summary of the invention and before the brief description of the drawings.

Appropriate correction is required.

2. This application has been filed as a continuation under 37 CFR 1.53(b). This application is not a proper continuation but instead is a continuation in part. See MPEP 201.07 (A continuation is a second application for the same invention). This specification requires two separate and distinct parent applications to provide an enabling specification for the claimed invention therefore it is not the same invention as either of the parent applications. Since this application should have been filed under CIP papers it is required that a proper CIP declaration be filed and that the application should be changed to a CIP. See 37 CFR 1.63(e). Should applicant desire to obtain the benefit of the filing date of the prior application, attention is directed to 35 U.S.C. 120 and 37 CFR 1.78.

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

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Claim 2 discusses a Lorentz force coupling the two motor parts. There is no antecedent basis in the specification for this discussion.

4. Claims 3, 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3:

Claim 1 recites the first drive unit has a stationary part connected to the second frame. Claim 3 recites the magnets of the first motor (drive unit) are located on the object table and the electric coil system of the first motor are fastened to the movable part of the second motor. Claim 3 does not agree with claim 1 because no part of the first motor is fastened to the second frame.

Claim 5:

Claim 4 lines 3-6 recite a substrate holder displaceable by means of a positioning device, the positioning device of the substrate holder including. Claim 5 recites the mask holder is displaceable by means of said positioning device. If the positioning device is engagable to multiple positionable elements it should not be referred to as "the positioning device of the substrate holder". Claim 4 indicates the positioning device is solely for use by the mask holder. If the mask holder is moved by the positioning device of the substrate holder confusion is caused. Naming of a single device must be consistent. Otherwise it is unclear if there are multiple devices or not.

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5. Claims 1-6 of this application has been copied from U.S. Patent No. 5,844,666 for the purpose of an interference.

Applicant has failed to specifically apply each limitation or element of each of the copied claim(s) to the disclosure of the application.

A request for an interference must comply with the requirements of 37 CFR 1.607(a). Specifically, showings for a2, a3 and a5 are not presented.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

7. Claims 1, 2, and 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Itoh et al. (6,072,183). Itoh et al. discloses a stage positioning device comprising a stage (2) which reads on the object table, a drive (7) by which the stage is moved, a guide (31) over which the stage is moved, where the guide is fastened to a first frame (1) while a stationary part of the drive motor (71) is attached to a second frame (8) which is independent from the first frame (col. 5 line 9) which is read on the limitation of dynamically isolated from the first frame.

Regarding claims 4-6, figure 10 discloses the entire system, further it is inherent that both the mask and the substrate are positioned and one would use the same system for positioning both.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Sircus whose telephone number is (703) 308-3119, Monday through Thursday between 8:30 and 5:00 and whose E-mail is brian.sircus@uspto.gov. Please do not send confidential information via e-mail.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

The group fax number is (703) 305-3431 or -3432. Please identify the application number, the examiner, the art unit and a telephone number by which you may be reached on the cover page when sending a fax.

If necessary the examiner's supervisor, Steve Stephan, may be reached at (703) 308-2826.

*Approved*  
*Stewart Levy*  
Stewart J. Levy, Director  
Technology Center 2800  
Group 2830



**Brian Sircus**  
**Primary Examiner**  
**July 17, 2000**